Office Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1926

No. [redacted] Original 11

STATE OF NEW YORK,
Complainant,

vs.

STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO,
Defendants.

MOTION FOR ORDER OR DIRECTION THAT PARTIES MAY PARTICIPATE IN TRIAL OF RELATED SUIT OF STATE OF WISCONSIN ET AL. v. STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO.

ALBERT OTTINGER,
Attorney-General of the State of New York,
Solicitor for Complainant,
The Capitol, Albany, N. Y.

C. S. FERRIS,
Deputy Attorney-General.

In the Supreme Court of the United States

OCTOBER TERM, 1926

NO. ORIGINAL

STATE OF NEW YORK,
Complainant,

vs.

STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO,
Defendants.

OSCAR E. CARLSTROM,

Attorney-General of the State of Illinois,
Solicitor for Defendant State of Illinois.

HECTOR A. BROUILLET,

Solicitor for Defendant, Sanitary District of Chicago.

PLEASE TAKE NOTICE, that the annexed motion for an order or direction that complainant be permitted to participate in the trial of the case of Wisconsin, Minnesota, Ohio and Pennsylvania *v.* State of Illinois and Sanitary District of Chicago, under the terms and conditions allow-

ing the parties to the suit brought by State of Michigan *v.* State of Illinois and Sanitary District of Chicago to participate in said trial, will be submitted at the opening of Court on the 16th day of October, 1926, or as soon thereafter as counsel can be heard.

That said motion will be submitted on the bill of complaint herein, the affidavit of Clarence S. Ferris, verified October 16, 1926, hereto annexed, and upon the memorandum also hereto annexed, and upon the pleadings in the so-called Wisconsin suit and so-called Michigan suit and upon all papers and proceedings had therein.

Dated, Albany, N. Y., October 16, 1926.

ALBERT OTTINGER,
Attorney-General of the State of New York,
Solicitor for Complainant.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1926

No. ORIGINAL

STATE OF NEW YORK,
Complainant,

vs.

STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO,
Defendants.

Motion for order or direction that parties may participate in trial of related suit of State of Wisconsin et al. *v.* State of Illinois and Sanitary District of Chicago.

Now comes the State of New York by its Attorney-General, Albert Ottinger, and respectfully moves this Honorable Court for an order or direction that the complainant, State of New York, may participate in the trial of the related suit of States of Wisconsin, Minnesota, Ohio and Pennsylvania *v.* State of Illinois and Sanitary District of Chicago, now pending in this Court, October Term, 1925, No. 16, original, in equity, before Honorable Charles Evans Hughes, Special Master, to whom the Wisconsin case has been referred by order of this Court, for the following reasons:

1. The issues in this case are practically the same as the issues in the Wisconsin case.

2. There is pending in this court a suit by the State of Michigan vs. State of Illinois and Sanitary District of Chicago, October Term, 1925, No. 27, Original, in which the issues are practically the same as in the Wisconsin case.

3. The order referring the Wisconsin case to Honorable Charles Evans Hughes as Special Master provides that the parties to the Michigan suit may participate in the taking of evidence and in the hearing before the Special Master in like manner and with like effect as if that suit had been consolidated with the Wisconsin suit by the Court's order.

4. The Complainant, State of New York, desires to participate in the taking of evidence and in the hearing before the Special Master on the same terms and conditions upon which permission has been given to the parties in the Michigan suit to so participate.

5. The Special Master has fixed November 8, 1926, as the time for commencing the trial of the Wisconsin suit and the city of Washington, D. C., as the place for such trial.

6. The State of New York is prepared to participate in the trial of the Wisconsin suit at the time and place above stated.

7. It would seem desirable that the Wisconsin suit, the Michigan suit and the New York suit be tried virtually as one suit for the reason that the issues in the three suits are substantially identical.

Dated, Albany, N. Y., October 16, 1926.

ALBERT OTTINGER,
Attorney-General of the State of New York,
Solicitor for Complainant,
The Capitol, Albany, N. Y.

C. S. FERRIS,
Deputy Attorney-General.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1926

No. ORIGINAL

STATE OF NEW YORK,
Complainant,

vs.

STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO,
Defendants.

UNITED STATES OF AMERICA,
STATE OF NEW YORK, } ss.:
COUNTY OF ALBANY.

Clarence S. Ferris, being first duly sworn, on oath says that he is a duly appointed, qualified and acting Deputy Attorney-General of the State of New York and is authorized to make this affidavit to be used on the motion hereto annexed. That practically the same issues are presented in the case of States of Wisconsin, Minnesota, Ohio and Pennsylvania vs. the State of Illinois and the Sanitary District of Chicago in the Supreme Court, October Term, 1925, No. 16, Original, in equity. The question of hydro-electric power development is raised by the complainant in this action in the bill of complaint in paragraph No. 3. The question of hydro-electric power development is also

raised by the pleadings in the Wisconsin case. The Wisconsin case has been referred to Hon. Charles Evans Hughes, by order of this Court, as Special Master, with directions and authority to take the evidence and report the same to the Court with his findings of fact, conclusions of law and recommendations for a decree. The order referring said clause to Hon. Charles Evans Hughes provides that the parties to the related suit of State of Michigan vs. State of Illinois and Sanitary District of Chicago, now pending in this Court, may participate in the taking of evidence and in the hearing before the Special Master in like manner and with like effect as if that suit had been consolidated with the Wisconsin case by the Court's order.

Deponent further says that the Wisconsin case has been set for trial at Washington, D. C., before the Special Master for November 8, 1926, and that the State of New York desires to participate in the trial of said cause on the terms and conditions laid down in the order appointing the Special Master and permitting the parties to the Michigan case to participate in the trial of the Wisconsin case.

CLARENCE S. FERRIS.

Subscribed and sworn to before me this 16th day of October, 1926.

(Notarial Seal)

RANDALL J. LEBOEUF, JR.,
Notary Public,
Albany County,
State of New York.